

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-3, 8-10, 12-14, 20, 24 and 30 are presently active in this case. The present Amendment amends Claims 1 and 12 without introducing any new matter or raising new issues; and cancels Claims 6-7, 11, 15-19, 21-23, and 25-31 without prejudice or disclaimer.

The outstanding Office Action rejected Claims 15-19, 21-23, 25-29 and 31 under 35 U.S.C. §102(b) as anticipated by Ezer et al. (U.S. Patent No. 6,275,239, herein "Ezer"). Claims 1-3, 6-14, 20, 24, and 30 were rejected under 35 U.S.C. §103(a) as unpatentable over Ezer.

In response to the rejection of Claims 15-19, 21-23, 25-29 and 31 under 35 U.S.C. §102(b), Applicant cancels Claims 15-19, 21-23, 25-29 and 31 without prejudice or disclaimer.

In response to the rejection under 35 U.S.C. §103(a), Claim 1 is amended to recite all the features of Claims 6, 7 and 11. Consequently, Claims 6, 7 and 11 are cancelled. In addition, Claim 12 is amended to change the claim dependency to Claim 1, since Claim 11 is cancelled. These claims were already considered by the Examiner and therefore Applicant believes that the incorporation of these claims into independent Claim 1 does not raise any new issues.¹

In light of the amendments to independent Claim 1, Applicant respectfully traverses the rejection of Claims 1-3, 8-10, 12-14, 20, 24, and 30 under 35 U.S.C. §103(a), and requests reconsideration thereof, as next discussed.

Briefly recapitulating, amended Claim 1 relates to an audio processor which processes an input data stream via an external memory. The audio processor includes, *inter alia*:

¹ See the outstanding Office Action from page 7, line 12, to page 8, line 16.

control processor to fetch in, when executing one of divided procedures of an audio process, a program and audio data corresponding to a next one of the procedures from the external memory which stores programs and a group of data used for sequentially executing the divided procedures of the audio process; an internal memory including instruction memory and data memory; and a DMA controller configured to control writing of data to the external memory, the instruction memory and the data memory, and reading of the data therefrom by a direct access memory transfer, wherein the internal memory stores a program module which ***requests the DMA controller for preparing the data group and instruction group that are required for the next procedure***, while continuing the procedure which is currently performed.

As further explained in Applicant's specification at page 14, lines 3-17 in a non-limiting example, the direct memory access (DMA) controller prepares the data group and the instruction group that are required for a next procedure of the audio process, while currently performing one of the procedures of the audio process.

Turning now to the applied reference, Ezer describes a media coprocessor for performing 3-D graphics, video, and audio functions, wherein audio and video data are processed in different partitions of a time interval.² Ezer further explains that the IO controller 104 is an intelligent DMA engine that transfers data between memory buffers and IO interfaces.³ However Applicant respectfully submits that Ezer does not teach or suggest that a DMA controller prepares the data group and instruction group that is required for the next procedure, while continuing the procedure which is currently performed, as recited in amended independent Claim 1. The outstanding Office Action asserts that Ezer teaches such

² See Ezer in the Abstract, and in Figure 1.

³ See Ezer at column 3, lines 35-37, and in Figure 1.

a feature in rejecting dependent Claim 11, and points out to Ezer's Figures 4 and 6.⁴

Applicant respectfully disagrees with this assertion, as next discussed.

Regarding Ezer's Figure 4, Ezer merely shows a DMA unit 411, and explains in the relevant portions of the specification that a bus 410 is coupled to a DMA unit 411 which is itself coupled to a bus 404 and another bus 412. Ezer further describes that a small amount of resident dispatcher code 701 in the media digital signal processor (MSP) instruction memory 702 reads code for the next function to be performed from a task list updated by the central processing unit (CPU),⁵ and subsequently, the MSP initiates a DMA transfer of the task code into the instruction memory 702.⁶ Ezer also explains that the task initiates DMA transfers of input data buffers from DRAM 707 to data memory 708.⁷ In other words, a dispatcher transfers a task code for a next function to the instruction memory, and the task performs the DMA transfer. However, in Applicant's independent Claim 1 clearly recites that the DMA controller prepares the data group and instruction group that is required for the next procedure, and not the media digital signal processor, as explained in Ezer. In addition, Ezer also fails to teach or suggest that the *DMA controller prepares the data group and instruction group that are required for the next procedure*, while continuing the procedure which is currently performed, as further recited in independent Claim 1.

Therefore, Ezer fails to teach or suggest every feature recited in Applicant's claims, so that Claim 1, and all associated dependent claims, are believed to be patentably distinct over the applied reference. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection based on Ezer.⁸

⁴ See the outstanding Office Action at page 8, lines 13-16.

⁵ See Ezer at column 10, lines 21-25 and in Figure 7.

⁶ See Ezer at column 10, lines 25-28.

⁷ See Ezer at column 10, lines 28-32.

⁸ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

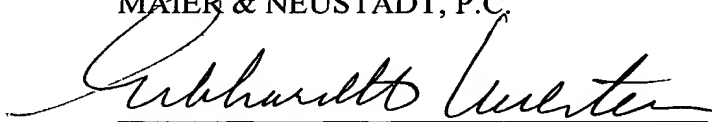
The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. §§102(e) and 103(a), the present amendment places the application in better form for consideration on appeal. In addition, the present amendment is not believed to raise new issues because the changes to Claim 1 merely recite features previously introduced in dependent Claims 6, 7 and 11, and since Claims 1, 6, 7 and 11 depend from each other sequentially, and the amendment to Claim 12 merely changes its claim dependency to Claim 12, it is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3, 8-10, 12-14, 20, 24 and 30 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)